

1 **560.9811 Mental health services.** (1) In this subsection ~~section~~, "chronic
2 mental illness" has the meaning given in s. 51.01 (3g).

3 (2) From the appropriation under s. 20.435 (7) ~~(ee)~~ 20.143 (2) (fr), the
4 department may not ~~allocate~~ award more than \$45,000 in each fiscal year to applying
5 public or nonprofit private entities for the costs of providing certain mental health
6 services to homeless individuals with chronic mental illness. Entities that receive
7 funds ~~allocated~~ awarded by the department under this subsection shall provide the
8 mental health services required under 42 USC 290cc-24. The amount that the
9 department ~~allocates~~ awards to an applying entity may not exceed 50% of the
10 amount of matching funds required under 42 USC 290cc-23.

11 ~~*-1416/1.2* SECTION 880. 46.976 of the statutes is repealed.~~

12 *-0356/3.1* SECTION 881. 46.977 (2) (a) of the statutes is amended to read:

13 46.977 (2) (a) ~~Annually, prior to April 30, an organization may apply to~~ From
14 the appropriation under s. 20.435 (7) (cg), the department for a grant may under this
15 section, based on the criteria under par. (c), award grants to applying organizations
16 for the purpose of ~~recruiting, training, monitoring~~ and assisting guardians for
17 persons determined to be incompetent under ch. 880. ~~By June 30, the department~~
18 ~~shall determine which organizations will receive a grant during the following fiscal~~
19 ~~year based on the criteria under par. (e).~~ No grant may be awarded paid unless the
20 applicant awardee provides matching funds equal to 10% of the amount of the award.
21 ~~The department shall make grants under this section from the appropriation under~~
22 ~~s. 20.435 (7) (cg).~~

23 *-0356/3.2* SECTION 882. 46.977 (2) (b) (intro.) of the statutes is amended to
24 read:

1 46.977 (2) (b) (intro.) Organizations awarded grants under ~~this section~~ par. (a)
2 shall do all of the following:

3 *~~-0356/3.3~~* SECTION 883. 46.977 (2) (b) 1. of the statutes is repealed.

4 *~~-0356/3.4~~* SECTION 884. 46.977 (2) (b) 2. of the statutes is amended to read:

5 46.977 (2) (b) 2. Provide training for ~~recruited guardians~~ and technical
6 assistance on their duties guardianship issues.

7 *~~-0356/3.5~~* SECTION 885. 46.977 (2) (b) 3. of the statutes is repealed.

8 *~~-0356/3.6~~* SECTION 886. 46.977 (2) (b) 4. of the statutes is amended to read:

9 46.977 (2) (b) 4. Provide technical assistance to recruited guardians in
10 performing their duties.

11 *~~-0356/3.7~~* SECTION 887. 46.977 (2) (c) (intro.) and 2. of the statutes are
12 consolidated, renumbered 46.977 (2) (c) and amended to read:

13 46.977 (2) (c) In reviewing applications for grants, the department shall
14 consider ~~all of the following:~~ The ~~the~~ extent to which the proposed program will
15 effectively recruit, train, ~~monitor~~ and assist guardians for persons determined to be
16 incompetent under ch. 880.

17 *~~-0356/3.8~~* SECTION 888. 46.977 (2) (c) 1. of the statutes is repealed.

18 *~~-0311/3.7~~* SECTION 889. 46.985 (2) (a) 4. of the statutes is amended to read:

19 46.985 (2) (a) 4. Procedures for coordinating the family support program and
20 the use of its funds, throughout this state and in each service area, with other
21 publicly funded programs including the community options program under s. 46.27;
22 the ~~community integration program~~ Community Integration Program under ss.
23 46.275, 46.277, and 46.278; the Community Opportunity and Recovery Program
24 under s. 46.2785; the social services, mental health, and developmental disabilities
25 programs under ss. 46.495, 51.42, and 51.437; the independent living center program

1 under s. 46.96; and the ~~medical assistance~~ Medical Assistance program under subch.
2 IV of ch. 49.

3 ***-1635/3.6* SECTION 890.** 46.99 (2) (a) (intro.) of the statutes is amended to
4 read:

5 46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), ~~(km)~~ and
6 (nL), the department shall distribute \$2,125,200 in each fiscal year to applying
7 nonprofit corporations and public agencies operating in a county having a population
8 of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments
9 under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county
10 having a population of 500,000 or more to provide programs to accomplish all of the
11 following:

12 ***-1635/3.7* SECTION 891.** 46.995 (1m) of the statutes is amended to read:

13 46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS ALLOCATION. From the
14 appropriation account under s. ~~20.435 (3) (km)~~, the department may allocate
15 ~~\$195,000 in each fiscal year and, from the appropriation account under s. 20.435 (3)~~
16 (eg), the department may allocate ~~\$15,000~~ \$210,000 in each fiscal year to provide the
17 grants specified in subs. (2), (3) (b), and (4m) (b).

18 ***-1635/3.8* SECTION 892.** 46.995 (2) of the statutes is amended to read:

19 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. From the ~~allocations~~
20 allocation under sub. (1m), the department may provide a grant annually in the
21 amount of \$85,000 to the elected governing body of a federally recognized American
22 Indian tribe or band to provide services for adolescent parents which shall emphasize
23 high school graduation and vocational preparation, training, and experience and
24 may be structured so as to strengthen the adolescent parent's capacity to fulfill
25 parental responsibilities by developing social skills and increasing parenting skills.

1 The tribe or band seeking to receive a grant to provide these services shall develop
2 a proposed service plan that is approved by the department.

3 *–1635/3.9* SECTION 893. 46.995 (3) (b) of the statutes is amended to read:

4 46.995 (3) (b) From the allocations allocation under sub. (1m), the department
5 may provide a grant annually in the amount of \$65,000 to the elected governing body
6 of a federally recognized American Indian tribe or band to provide to high-risk
7 adolescents pregnancy and parenthood prevention services which shall be
8 structured so as to increase development of decision-making and communications
9 skills, promote graduation from high school, and expand career and other options
10 and which may address needs of adolescents with respect to pregnancy prevention.

11 *–1635/3.10* SECTION 894. 46.995 (4m) (b) (intro.) of the statutes is amended
12 to read:

13 46.995 (4m) (b) (intro.) From the allocations allocation under sub. (1m), the
14 department may provide a grant annually in the amount of \$60,000 to the elected
15 governing body of a federally recognized American Indian tribe or band for the
16 provision of information to members of the tribe or band in order to increase
17 community knowledge about problems of adolescents and information to and
18 activities for adolescents, particularly female adolescents, in order to enable the
19 adolescents to develop skills with respect to all of the following:

20 *–1737/2.8* SECTION 895. 48.09 (5) of the statutes is amended to read:

21 48.09 (5) By the district attorney or, if designated by the county board of
22 supervisors, by the corporation counsel, in any matter arising under s. 48.13, 48.133
23 or 48.977. If the county board transfers this authority to or from the district attorney
24 on or after May 11, 1990, the board may do so only if the action is effective on

1 September 1 of an odd-numbered year and the board notifies the department of
2 administration justice of that change by January 1 of that odd-numbered year.

3 *-0084/3.11* SECTION 896. 48.33 (4) (intro.) of the statutes is amended to read:

4 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
5 placement of an adult expectant mother outside of her home shall be in writing. A
6 report recommending placement of a child in a foster home, treatment foster home,
7 group home, or residential care center for children and youth ~~or~~, in the home of a
8 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall
9 be in writing and shall include all of the following:

10 *-0084/3.12* SECTION 897. 48.345 (3) (c) of the statutes is amended to read:

11 48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62
12 ~~or~~, a group home licensed under s. 48.625, or in the home of a guardian under s.
13 48.977 (2).

14 *-0084/3.13* SECTION 898. 48.356 (1) of the statutes is amended to read:

15 48.356 (1) Whenever the court orders a child to be placed outside his or her
16 home, orders an expectant mother of an unborn child to be placed outside of her
17 home, or denies a parent visitation because the child or unborn child has been
18 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,
19 48.363, or 48.365 or whenever the court appoints a guardian for a child under s.
20 48.977 (2), the court shall orally inform the parent or parents who appear in court
21 or the expectant mother who appears in court of any grounds for termination of
22 parental rights under s. 48.415 ~~which~~ that may be applicable and of the conditions
23 necessary for the child or expectant mother to be returned to the home or for the
24 parent to be granted visitation.

25 *-0084/3.14* SECTION 899. 48.425 (1) (g) of the statutes is amended to read:

1 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.
2 determines that it is unlikely that the child will be adopted, or if adoption would not
3 be in the best interests of the child, the report shall include a plan for placing the child
4 in a permanent family setting. The plan shall include a recommendation as to the
5 agency to be named guardian of the child ~~or~~, a recommendation that the person
6 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian
7 of the child, or a recommendation that a guardian be appointed for the child under
8 s. 48.977 (2).

9 *-0084/3.15* SECTION 900. 48.427 (3m) (intro.) of the statutes is amended to
10 read:

11 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are
12 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,
13 the court shall either do one of the following:

14 *-0084/3.16* SECTION 901. 48.427 (3m) (c) of the statutes is created to read:

15 48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship
16 and custody of the child to the guardian.

17 *-0084/3.17* SECTION 902. 48.427 (3p) of the statutes is amended to read:

18 48.427 (3p) If the rights of both parents or of the only living parent are
19 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the
20 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters
21 an order under this subsection, the court shall terminate the guardianship under s.
22 48.977.

23 *-0404/4.12* SECTION 903. 48.48 (10) of the statutes is amended to read:

24 48.48 (10) To license child welfare agencies ~~and day care centers~~ as provided
25 in s. 48.66 (1) (a).

1 *-0084/3.18* SECTION 904. 48.48 (17) (a) 3. of the statutes is amended to read:

2 48.48 (17) (a) 3. Provide appropriate protection and services for children and
3 the expectant mothers of unborn children in its care, including providing services for
4 those children and their families and for those expectant mothers in their own
5 homes, placing the children in licensed foster homes, treatment foster homes, or
6 group homes in this state or another state within a reasonable proximity to the
7 agency with legal custody, placing the children in the homes of guardians under s.
8 48.977 (2), or contracting for services for those children by licensed child welfare
9 agencies, except that the department may not purchase the educational component
10 of private day treatment programs unless the department, the school board, as
11 defined in s. 115.001 (7), and the state superintendent of public instruction all
12 determine that an appropriate public education program is not available. Disputes
13 between the department and the school district shall be resolved by the state
14 superintendent of public instruction.

15 *-0084/3.19* SECTION 905. 48.48 (17) (c) 4. of the statutes is amended to read:

16 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,
17 or, residential care center for children and youth, or subsidized guardianship home
18 under s. 48.62 (5).

19 *-0084/3.20* SECTION 906. 48.57 (1) (c) of the statutes is amended to read:

20 48.57 (1) (c) To provide appropriate protection and services for children and the
21 expectant mothers of unborn children in its care, including providing services for
22 those children and their families and for those expectant mothers in their own
23 homes, placing those children in licensed foster homes, treatment foster homes, or
24 group homes in this state or another state within a reasonable proximity to the
25 agency with legal custody, placing those children in the homes of guardians under

1 s. 48.977 (2), or contracting for services for those children by licensed child welfare
2 agencies, except that the county department may not purchase the educational
3 component of private day treatment programs unless the county department, the
4 school board, as defined in s. 115.001 (7), and the state superintendent of public
5 instruction all determine that an appropriate public education program is not
6 available. Disputes between the county department and the school district shall be
7 resolved by the state superintendent of public instruction.

8 *-0084/3.21* SECTION 907. 48.57 (3) (a) 4. of the statutes is amended to read:

9 48.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
10 or, residential care center for children and youth, or subsidized guardianship home
11 under s. 48.62 (5).

12 *-0084/3.22* SECTION 908. 48.57 (3m) (cm) of the statutes is amended to read:

13 48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)
14 for providing care and maintenance for a child is not eligible to receive a payment
15 under sub. (3n) or s. 48.62 (4) or (5) for that child.

16 *-0265/3.4* SECTION 909. 48.57 (3m) (h) of the statutes is created to read:

17 48.57 (3m) (h) A county department or, in a county having a population of
18 500,000 or more, the department may recover an overpayment made under par. (am)
19 from a kinship care relative who continues to receive payments under par. (am) by
20 reducing the amount of the kinship care relative's monthly payment. The
21 department may by rule specify other methods for recovering overpayments made
22 under par. (am). A county department that recovers an overpayment under this
23 paragraph due to the efforts of its officers and employees may retain a portion of the
24 amount recovered, as provided by the department by rule.

25 *-0084/3.23* SECTION 910. 48.57 (3n) (cm) of the statutes is amended to read:

1 48.57 (3n) (cm) A long-term kinship care relative who receives a payment
2 under par. (am) for providing care and maintenance for a child is not eligible to
3 receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

4 ***-0265/3.5* SECTION 911.** 48.57 (3n) (h) of the statutes is created to read:

5 48.57 (3n) (h) A county department or, in a county having a population of
6 500,000 or more, the department may recover an overpayment made under par. (am)
7 from a long-term kinship care relative who continues to receive payments under par.
8 (am) by reducing the amount of the long-term kinship care relative's monthly
9 payment. The department may by rule specify other methods for recovering
10 overpayments made under par. (am). A county department that recovers an
11 overpayment under this paragraph due to the efforts of its officers and employees
12 may retain a portion of the amount recovered, as provided by the department by rule.

13 ***-0084/3.24* SECTION 912.** 48.57 (3p) (a) of the statutes is amended to read:

14 48.57 (3p) (a) In this subsection, "adult resident" means a person 18 years of
15 age or over who lives at the home of a person who has applied for or is receiving
16 payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b) with the intent of making
17 that home his or her home or who lives for more than 30 days cumulative in any
18 6-month period at the home of a person who has applied for or is receiving payments
19 under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b).

20 ***-0084/3.25* SECTION 913.** 48.57 (3p) (b) 1. of the statutes is amended to read:

21 48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)
22 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
23 population of 500,000 or more, the department of health and family services, with
24 the assistance of the department of justice, shall conduct a background investigation
25 of the applicant.

1 ***-0084/3.26*** SECTION 914. 48.57 (3p) (b) 3. of the statutes is amended to read:

2 48.57 (3p) (b) 3. The county department or, in a county having a population of
3 500,000 or more, the department of health and family services, with the assistance
4 of the department of justice, may conduct a background investigation of any person
5 who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that
6 the county department or department of health and family services considers to be
7 appropriate.

8 ***-0084/3.27*** SECTION 915. 48.57 (3p) (c) 1. of the statutes is amended to read:

9 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)
10 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
11 population of 500,000 or more, the department of health and family services, with
12 the assistance of the department of justice, shall, in addition to the investigation
13 under par. (b) 1., conduct a background investigation of all employees and
14 prospective employees of the applicant who have or would have regular contact with
15 the child for whom those payments are being made and of each adult resident.

16 ***-0084/3.28*** SECTION 916. 48.57 (3p) (c) 2m. of the statutes is amended to
17 read:

18 48.57 (3p) (c) 2m. The county department or, in a county having a population
19 of 500,000 or more, the department of health and family services, with the assistance
20 of the department of justice, may conduct a background investigation of any of the
21 employees or prospective employees of any person who is receiving payments under
22 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child
23 for whom payments are being made and of each adult resident at any time that the
24 county department or department of health and family services considers to be
25 appropriate.

1 *-0084/3.29* SECTION 917. 48.57 (3p) (c) 3. of the statutes is amended to read:

2 48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or
3 (3n) or s. 48.62 (5) (a) or (b) may employ any person in a position in which that person
4 would have regular contact with the child for whom those payments are being made
5 or permit any person to be an adult resident, the county department or, in a county
6 having a population of 500,000 or more, the department of health and family
7 services, with the assistance of the department of justice, shall conduct a background
8 investigation of the prospective employee or prospective adult resident unless that
9 person has already been investigated under subd. 1., 2. or 2m.

10 *-0084/3.30* SECTION 918. 48.57 (3p) (fm) 1m. of the statutes is amended to
11 read:

12 48.57 (3p) (fm) 1m. The county department or, in a county having a population
13 of 500,000 or more, the department of health and family services may not enter into
14 the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b)
15 unless the county department or department of health and family services receives
16 information from the department of justice relating to the conviction record of the
17 applicant under the law of this state and that record indicates either that the
18 applicant has not been arrested or convicted or that the applicant has been arrested
19 or convicted but the director of the county department or, in a county having a
20 population of 500,000 or more, the person designated by the secretary of health and
21 family services to review conviction records under this subdivision determines that
22 the conviction record is satisfactory because it does not include any arrest or
23 conviction that the director or person designated by the secretary determines is
24 likely to adversely affect the child or the ~~long-term kinship care relative's~~ applicant's
25 ability to care for the child. The county department or, in a county having a

1 population of 500,000 or more, the department of health and family services may
2 make payments under sub. (3n) or s. 48.62 (5) (a) or (b) conditioned on the receipt of
3 information from the federal bureau of investigation indicating that the person's
4 conviction record under the law of any other state or under federal law is satisfactory
5 because the conviction record does not include any arrest or conviction that the
6 director of the county department or, in a county having a population of 500,000 or
7 more, the person designated by the secretary of health and family services to review
8 conviction records under this subdivision determines is likely to adversely affect the
9 child or the ~~long-term kinship care relative's~~ applicant's ability to care for the child.

10 ***-0084/3.31*** SECTION 919. 48.57 (3p) (fm) 2m. of the statutes is amended to
11 read:

12 48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)
13 (a) or (b) may provisionally employ a person in a position in which that person would
14 have regular contact with the child for whom those payments are being made or
15 provisionally permit a person to be an adult resident if the person receiving those
16 payments states to the county department or, in a county having a population of
17 500,000 or more, the department of health and family services that, to the best of his
18 or her knowledge, the employee or adult resident does not have any arrests or
19 convictions that could adversely affect the child or the ability of the person receiving
20 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62
21 (5) (a) or (b) may not finally employ a person in a position in which that person would
22 have regular contact with the child for whom those payments are being made or
23 finally permit a person to be an adult resident until the county department or, in a
24 county having a population of 500,000 or more, the department of health and family
25 services receives information from the department of justice relating to the person's

1 conviction record under the law of this state and that record indicates either that the
2 person has not been arrested or convicted or that the person has been arrested or
3 convicted but the director of the county department or, in a county having a
4 population of 500,000 or more, the person designated by the secretary of health and
5 family services to review conviction records under this subdivision determines that
6 the conviction record is satisfactory because it does not include any arrest or
7 conviction that is likely to adversely affect the child or the ~~long-term kinship care~~
8 ~~relative's ability of the person receiving payments~~ to care for the child and the county
9 department or department of health and family services so advises the person
10 receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b). A person receiving
11 payments under sub. (3n) or s. 48.62 (5) (a) or (b) may finally employ a person in a
12 position in which that person would have regular contact with the child for whom
13 those payments are being made or finally permit a person to be an adult resident
14 conditioned on the receipt of information from the county department or, in a county
15 having a population of 500,000 or more, the department of health and family services
16 that the federal bureau of investigation indicates that the person's conviction record
17 under the law of any other state or under federal law is satisfactory because the
18 conviction record does not include any arrest or conviction that the director of the
19 county department or, in a county having a population of 500,000 or more, the person
20 designated by the secretary of health and family services to review conviction records
21 under this subdivision determines is likely to adversely affect the child or the
22 ~~long-term kinship care relative's ability of the person receiving payments~~ to care for
23 the child.

24 *-0084/3.32* SECTION 920. 48.57 (3p) (hm) of the statutes is amended to read:

1 48.57 (3p) (hm) A county department or, in a county having a population of
2 500,000 or more, the department may not make payments to a person under sub. (3n)
3 or s. 48.62 (5) (a) or (b) and a person receiving payments under sub. (3n) or s. 48.62
4 (5) (a) or (b) may not employ a person in a position in which that person would have
5 regular contact with the child for whom payments are being made or permit a person
6 to be an adult resident if the director of the county department or, in a county having
7 a population of 500,000 or more, the person designated by the secretary to review
8 conviction records under this paragraph determines that the person has any arrest
9 or conviction that is likely to adversely affect the child or the long-term kinship care
10 relative's person's ability to care for the child.

11 *-0084/3.33* SECTION 921. 48.61 (3) of the statutes is amended to read:

12 48.61 (3) To provide appropriate care and training for children in its legal or
13 physical custody and, if licensed to do so, to place children in licensed foster homes,
14 licensed treatment foster homes, and licensed group homes and in the homes of
15 guardians under s. 48.977 (2).

16 *-0084/3.34* SECTION 922. 48.615 (1) (b) of the statutes is amended to read:

17 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to
18 a child welfare agency that places children in licensed foster homes, licensed
19 treatment foster homes, and licensed group homes and in the homes of guardians
20 under s. 48.977 (2), the child welfare agency must pay to the department a biennial
21 fee of \$254.10.

22 *-III5/1.1* SECTION 923. 48.62 (4) of the statutes is amended to read: ✓

23 48.62 (4) Monthly payments in foster care shall be provided according to the
24 age-related rates specified in this subsection. Beginning on January 1, 2000, the
25 age-related rates are: \$299 for children aged 4 and under; \$326 for children aged 5

1 to 11; ~~\$371 for children aged 12 to 14 and \$387 for children aged 15 to 17.~~ Beginning
2 on January 1, 2001, the age-related rates are: ~~\$302 for children aged 4 and under;~~
3 ~~\$329 for children aged 5 to 11; \$375 for children aged 12 to 14; and \$391 for children~~
4 ~~aged 15 to 17~~ 2006, the age-related rates are \$332 for a child under 5 years of age;
5 \$362 for a child 5 to 11 years of age; \$413 for a child 12 to 14 years of age; and \$430
6 for a child 15 years of age or over. In addition to these grants for basic maintenance,
7 the department shall make supplemental payments for special needs, exceptional
8 circumstances, care in a treatment foster home, and initial clothing allowances
9 according to rules promulgated by the department.

10 *-0084/3.35* SECTION 924. 48.62 (5) of the statutes is created to read:

11 48.62 (5) (a) Subject to par. (d), a county department or, in a county having a
12 population of 500,000 or more, the department shall provide monthly subsidized
13 guardianship payments in the amount specified in par. (e) to a guardian of a child
14 under s. 48.977 (2) or under a substantially similar tribal law or law of another state
15 who was licensed as the child's foster parent or treatment foster parent before the
16 guardianship appointment and who has entered into a subsidized guardianship
17 agreement with the county department or department if the guardian meets the
18 conditions specified in par. (c) 1. and 2. and if the child meets any of the following
19 conditions:

20 1. The child has been placed outside of his or her home, as described in s. 48.365
21 (1), for a cumulative total period of one year or longer, the court has found that the
22 agency primarily responsible for providing services to the child under a court order
23 has made reasonable efforts to make it possible for the child to return to his or her
24 home, while assuring that the child's health and safety are the paramount concerns,
25 but that reunification of the child with the child's parent or parents is unlikely or

Insert
265-9

Insert 265 - 9

2005 - 2006 LEGISLATURE

LRB-1115/2
GMM:jld&wlj/rs

DOA:.....Rhodes, BB0296 - Foster care rates

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: foster care rates.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Current law specifies age-related basic maintenance rates that are paid to a foster parent for the care and maintenance of a child. Currently, those rates are \$302 for a child under five years of age, \$329 for a child 5 to 11 years of age, \$375 for a child 12 to 14 years of age, and \$391 for a child 15 years of age or over. This bill increases those rates, beginning on January 1, 2006, to \$317 for a child under five years of age, \$345 for a child 5 to 11 years of age, \$394 for a child 12 to 14 years of age, and \$411 for a child 15 years of age or over, and beginning on January 1, 2007, to \$332 for a child under five years of age, \$362 for a child 5 to 11 years of age, \$413 for a child 12 to 14 years of age, and \$430 for a child 15 years of age or over.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 48.62 (4) of the statutes is amended to read:

↘

SECTION 1

1 48.62 (4) Monthly payments in foster care shall be provided according to the
2 age-related rates specified in this subsection. ~~Beginning on January 1, 2000, the~~
3 ~~age-related rates are: \$299 for children aged 4 and under; \$326 for children aged 5~~
4 ~~to 11; \$371 for children aged 12 to 14 and \$387 for children aged 15 to 17. Beginning~~
5 ~~on January 1, 2001, the age-related rates are: \$302 for children aged 4 and under;~~
6 ~~\$329 for children aged 5 to 11; \$375 for children aged 12 to 14; and \$391 for children~~
7 ~~aged 15 to 17~~ 2006, the age-related rates are \$317 for a child under 5 years of age;
8 \$345 for a child 5 to 11 years of age; \$394 for a child 12 to 14 years of age; and \$411
9 for a child 15 years of age or over. Beginning on January 1, 2007, the age-related
10 rates are to \$332 for a child under five years of age; \$362 for a child 5 to 11 years of
11 age; \$423 for a child 12 to 14 years of age; and \$430 for a child 15 years of age or over.
12 In addition to these grants for basic maintenance, the department shall make
13 supplemental payments for special needs, exceptional circumstances, care in a
14 treatment foster home, and initial clothing allowances according to rules
15 promulgated by the department.

(END)

(ed & insert)

1 contrary to the best interests of the child and that further reunification efforts are
2 unlikely to be made or are contrary to the best interests of the child, or that any of
3 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. apply, and the court has found
4 that appointment of a guardian for the child is in the best interests of the child.

5 2. The child does not meet the conditions specified in subd. 1., but the county
6 department or department has determined, and a court has confirmed under s.
7 48.977 (3r) or under a substantially similar tribal law or law of another state, that
8 appointing a guardian for the child and providing monthly subsidized guardianship
9 payments to the guardian are in the best interests of the child.

10 (b) Subject to par. (d), on the death, incapacity, resignation, or removal of a
11 guardian receiving payments under par. (a), a county department or, in a county
12 having a population of 500,000 or more, the department shall provide monthly
13 subsidized guardianship payments in the amount specified in par. (e) for a period of
14 up to 12 months to an interim caretaker who meets all of the conditions specified in
15 par. (c).

16 (c) A county department or, in a county having a population of 500,000 or more,
17 the department may not provide monthly subsidized guardianship payments under
18 par. (a) or (b) unless all of the following conditions are met:

19 1. The county department or department inspects the home of the guardian or
20 interim caretaker, interviews the guardian or interim caretaker, and determines
21 that placement of the child with the guardian or interim caretaker is in the best
22 interests of the child.

23 2. The county department or department conducts a background investigation
24 under s. 48.57 (3p) of the guardian or interim caretaker, the employees and
25 prospective employees of the guardian or interim caretaker who have or would have

1 regular contact with the child for whom the payments would be made, and any other
2 adult resident, as defined in s. 48.57 (3p) (a), of the home of the guardian or interim
3 caretaker and determines that those individuals do not have any arrests or
4 convictions that are likely to adversely affect the child or the ability of the guardian
5 or interim caretaker to care for the child.

6 3. In the case of an interim caretaker, the interim caretaker cooperates with
7 the county department or department in finding a permanent placement for the
8 child.

9 (d) The department shall request from the secretary of the federal department
10 of health and human services a waiver of the requirements under 42 USC 670 to 679a
11 that would authorize the state to receive federal foster care and adoption assistance
12 reimbursement under 42 USC 670 to 679a for the costs of providing care for a child
13 who is in the care of a guardian who was licensed as the child's foster parent or
14 treatment foster parent before the guardianship appointment and who has entered
15 into a subsidized guardianship agreement with the county department or
16 department. If the waiver is approved for a county having a population of 500,000
17 or more, the department shall provide the monthly payments under par. (a) from the
18 appropriations under s. 20.435 (3) (cx), (gx), (kw), and (mx). If the waiver is approved
19 for any other county, the department shall determine which counties are authorized
20 to provide monthly payments under par. (a) or (b), and the county departments of
21 those counties shall provide those payments from moneys received under s. 46.495
22 (1) (d).

23 (e) The amount of a monthly payment under par. (a) or (b) for the care of a child
24 shall equal the amount received under sub. (4) by the guardian of the child for the
25 month immediately preceding the month in which the guardianship order was

1 granted. A guardian or an interim caretaker who receives a monthly payment under
2 par. (a) or (b) is not eligible to receive a payment under sub. (4) or s. 48.57 (3m) or (3n).

3 ***-0265/3.6* SECTION 925.** 48.62 (6) of the statutes is created to read:

4 48.62 (6) The department or a county department may recover an overpayment
5 made under sub. (4) or (5) from a foster parent, treatment foster parent, guardian,
6 or interim caretaker who continues to receive payments under sub. (4) or (5) by
7 reducing the amount of the person's monthly payment. The department may by rule
8 specify other methods for recovering overpayments made under sub. (4) or (5). A
9 county department that recovers an overpayment under this subsection due to the
10 efforts of its officers and employees may retain a portion of the amount recovered, as
11 provided by the department by rule.

***NOTE: This is reconciled s. 48.62 (6). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0265/2 and LRB-0084/2.

12 ***-0404/4.14* SECTION 926.** 48.65 (title) of the statutes is renumbered 49.98
13 (title) and amended to read:

14 **49.98 (title) Day Licensing of day care centers licensed; fees.**

15 ***-0404/4.13* SECTION 927.** Subchapter XV (title) of chapter 48 [precedes
16 48.65] of the statutes is renumbered subchapter VII (title) of chapter 49 [precedes
17 49.97] and amended to read:

18 CHAPTER 49

19 SUBCHAPTER VII

20 DAY CARE PROVIDERS LICENSING

21 ***-0404/4.15* SECTION 928.** 48.65 (1) of the statutes is renumbered 49.98 (1)
22 and amended to read:

1 49.98 (1) No person may for compensation provide care and supervision for 4
2 or more children under the age of 7 for less than 24 hours a day unless that person
3 obtains a license to operate a day care center from the department. To obtain a
4 license under this subsection to operate a day care center, a person must meet the
5 minimum requirements for a license established by the department under s. 48.67
6 49.986, meet the requirements specified in s. 48.685, and pay the license fee under
7 sub. (3). A license issued under this subsection is valid until revoked or suspended,
8 but shall be reviewed every 2 years as provided in s. 48.66 49.984 (5).

9 *~~0404/4.16~~* SECTION 929. 48.65 (2) (intro.) of the statutes is renumbered
10 49.98 (2) (intro.) and amended to read:

11 49.98 (2) (intro.) This section does not ~~include~~ apply to any of the following:

12 *~~0404/4.17~~* SECTION 930. 48.65 (2) (a) of the statutes is renumbered 49.98 (2)
13 (a).

14 *~~0404/4.18~~* SECTION 931. 48.65 (2) (b) of the statutes is renumbered 49.98 (2)
15 (b) and amended to read:

16 49.98 (2) (b) A public or ~~parochial~~ private school.

17 *~~0404/4.19~~* SECTION 932. 48.65 (2) (c) of the statutes is renumbered 49.98 (2)
18 (c).

19 *~~0404/4.20~~* SECTION 933. 48.65 (2) (d) of the statutes is renumbered 49.98 (2)
20 (d).

21 *~~0404/4.21~~* SECTION 934. 48.65 (3) of the statutes is renumbered 49.98 (3)
22 and amended to read:

23 49.98 (3) (a) Before the department may issue a license under sub. (1) to a day
24 care center that provides care and supervision for 4 to 8 children, the day care center
25 must pay to the department a biennial fee of \$60.50. Before the department may

1 issue a license under sub. (1) to a day care center that provides care and supervision
2 for 9 or more children, the day care center must pay to the department a biennial fee
3 of \$30.25, plus a biennial fee of \$8.47 \$16.94 per child, based on the number of
4 children that the day care center is licensed to serve. A day care center that wishes
5 to continue a license issued under sub. (1) shall pay the applicable fee under this
6 paragraph by the continuation date of the license. A new day care center shall pay
7 the applicable fee under this paragraph no later than 30 days before the opening of
8 the day care center.

9 (b) A day care center that wishes to continue a license issued under par. (a) and
10 that fails to pay the applicable fee under par. (a) by the continuation date of the
11 license or a new day care center that fails to pay the applicable fee under par. (a) by
12 30 days before the opening of the day care center shall pay an additional fee of \$5 per
13 day for every day after the deadline that the ~~group-home~~ day care center fails to pay
14 the fee.

15 *-0404/4.22* SECTION 935. 48.651 (title) of the statutes is renumbered 49.156
16 (title) and amended to read:

17 49.156 (title) **Certification Wisconsin Works; certification of day care**
18 **providers.**

19 *-0404/4.23* SECTION 936. 48.651 (1) (intro.) of the statutes is renumbered
20 49.156 (1) (intro.) and amended to read:

21 49.156 (1) (intro.) Each county department shall certify, according to the
22 standards adopted by the department of ~~workforce development~~ under s. 49.155 (1d),
23 each day care provider reimbursed for child care services provided to families
24 determined eligible under s. 49.155, unless the provider is a day care center licensed
25 under s. ~~48.65~~ 49.98 or is established or contracted for under s. 120.13 (14). Each

1 county may charge a fee to cover the costs of certification. To be certified under this
2 section, a person must meet the minimum requirements for certification established
3 by the department of ~~workforce development~~ under s. 49.155 (1d), meet the
4 requirements specified in s. 48.685, and pay the fee specified referred to in this
5 section. The county shall certify the following categories of day care providers:

6 *~~0404/4.24~~* **SECTION 937.** 48.651 (1) (a) of the statutes is renumbered 49.156
7 (1) (a) and amended to read:

8 49.156 (1) (a) Level I certified family day care providers, as established by the
9 department of ~~workforce development~~ under s. 49.155 (1d). No county may certify
10 a provider under this paragraph if the provider is a relative of all of the children for
11 whom he or she provides care.

12 *~~0404/4.25~~* **SECTION 938.** 48.651 (1) (b) of the statutes is renumbered 49.156
13 (1) (b) and amended to read:

14 49.156 (1) (b) Level II certified family day care providers, as established by the
15 department of ~~workforce development~~, under s. 49.155 (1d).

16 *~~0404/4.26~~* **SECTION 939.** 48.651 (2m) of the statutes is renumbered 49.156
17 (2m) and amended to read:

18 49.156 (2m) Each county department shall provide the department of health
19 and family services with information about each person who is denied certification
20 for a reason specified in s. 48.685 (4m) (a) 1. to 5.

21 *~~0404/4.27~~* **SECTION 940.** 48.653 of the statutes is renumbered 49.982 (1) and
22 amended to read:

23 49.982 (1) ~~Information for day care providers.~~ The department shall
24 provide each day care center licensed under s. 48.65 49.98 and each county agency
25 department providing child welfare services with a brochure containing information

1 on basic child care and the licensing and certification requirements for day care
2 providers. Each county agency department shall provide each day care provider that
3 it certifies with a copy of the brochure.

4 *~~0404/4.28~~* SECTION 941. 48.655 of the statutes is renumbered 49.982 (2) and
5 amended to read:

6 49.982 (2) **Parental access.** A day care provider that holds a license under
7 s. ~~48.65~~ 49.98, that is certified under s. ~~48.651~~ 49.156, that holds a probationary
8 license under s. ~~48.69~~ 49.99, or that is established or contracted for under s. 120.13
9 (14) shall permit any parent or guardian of a child enrolled in the program to visit
10 and observe the program of child care at any time during the provider's hours of
11 operation, unless the visit or observation is contrary to an existing court order.

12 *~~0404/4.29~~* SECTION 942. 48.656 of the statutes is renumbered 49.982 (3) and
13 amended to read:

14 49.982 (3) **Parent's right to know.** Every parent, guardian, or legal custodian
15 of a child who is receiving care and supervision, or of a child who is a prospective
16 recipient of care and supervision, from a day care center that holds a license under
17 s. ~~48.65~~ 49.98 (1) or a probationary license under s. ~~48.69~~ 49.99 has the right to know
18 certain information about the day care center that would aid the parent, guardian,
19 or legal custodian in assessing the quality of care and supervision provided by the
20 day care center.

21 *~~0404/4.30~~* SECTION 943. 48.657 (title) of the statutes is repealed.

22 *~~0404/4.31~~* SECTION 944. 48.657 (1) (intro.) of the statutes is renumbered
23 49.982 (4) (a) (intro.) and amended to read:

1 49.982 (4) (a) (intro.) The department shall provide each day care center that
2 holds a license under s. ~~48.65~~ 49.98 (1) or a probationary license under s. ~~48.69~~ 49.99
3 with an annual report that includes the following information:

4 *~~0404/4.32~~* SECTION 945. 48.657 (1) (a) of the statutes is renumbered 49.982
5 (4) (a) 1. and amended to read:

6 49.982 (4) (a) 1. Violations of statutes, rules promulgated by the department
7 under s. ~~48.67~~ 49.986, or provisions of licensure under s. ~~48.70 (1)~~ 49.988 (2) by the
8 day care center. In providing information under this paragraph subdivision, the
9 department may not disclose the identity of any employee of the day care center.

10 *~~0404/4.33~~* SECTION 946. 48.657 (1) (b) of the statutes is renumbered 49.982
11 (4) (a) 2. and amended to read:

12 49.982 (4) (a) 2. A telephone number at the department that a person may call
13 to complain of any alleged violation of a statute, rule promulgated by the department
14 under s. ~~48.67~~ 49.986, or provision of licensure under s. ~~48.70 (1)~~ 49.988 (2) by the
15 day care center.

16 *~~0404/4.34~~* SECTION 947. 48.657 (1) (c) of the statutes is renumbered 49.982
17 (4) (a) 3. and amended to read:

18 49.982 (4) (a) 3. The results of the most recent inspection of the day care center
19 under s. ~~48.73~~ 49.996 (1).

20 *~~0404/4.35~~* SECTION 948. 48.657 (2) of the statutes is renumbered 49.982 (4)
21 (b) and amended to read:

22 49.982 (4) (b) A day care center shall post the report under ~~sub. (1)~~ par. (a) next
23 to the day care center's license or probationary license in a place where the report and
24 the inspection results can be seen by parents, guardians, or legal custodians during
25 the day care center's hours of operation.

***-0404/4.36* SECTION 949.** 48.657 (2g) of the statutes is renumbered 49.982

(4) (c) and amended to read:

49.982 (4) (c) If the report under sub. (1) par. (a) indicates that the day care center is in violation of a statute, a rule promulgated by the department under s. ~~48.67~~ 49.986, or a provision of licensure under s. ~~48.70 (1)~~ 49.988 (2), the day care center shall post with the report any notices received from the department relating to that violation.

***-0404/4.37* SECTION 950.** 48.657 (2r) of the statutes is renumbered 49.982

(4) (d) and amended to read:

49.982 (4) (d) Each day care center that receives a report under sub. (1) par. (a) shall make available to a parent, guardian, or legal custodian of a child who is receiving, or who is a prospective recipient of, care and supervision from the day care center the reports under sub. (1) par. (a) from the previous 2 years and any notices received from the department relating to any violations identified in those reports. In providing information under this subsection paragraph, a day care center may withhold any information that would disclose the identity of an employee of the day care center.

***-0404/4.38* SECTION 951.** 48.657 (3) of the statutes is renumbered 49.982 (4)

(e) and amended to read:

49.982 (4) (e) The department may require a day care center to provide to the department any information that is necessary for the department to prepare the report under ~~sub. (1) par. (a)~~.

***-0404/4.39* SECTION 952.** Subchapter XVI (title) of chapter 48 [precedes 48.66] of the statutes is amended to read:

SUBCHAPTER XVI

LICENSING PROCEDURES AND REQUIREMENTS FOR CHILD WELFARE
AGENCIES, FOSTER HOMES, TREATMENT FOSTER HOMES, GROUP
HOMES, ~~DAY CARE CENTERS~~ AND COUNTY DEPARTMENTS

***-0404/4.40* SECTION 953.** 48.66 (1) (a) of the statutes is amended to read:

48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, and shelter care facilities, as required by s. 938.22, ~~and day care centers, as required by s. 48.65.~~ The department may license foster homes or treatment foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74.

***-0404/4.41* SECTION 954.** 48.66 (2) of the statutes is amended to read:

48.66 (2) The department shall prescribe application forms to be used by all applicants for licenses from it. The application forms prescribed by the department shall require that the social security numbers of all applicants for a license to operate a child welfare agency, group home, or shelter care facility ~~or day care center~~ who are individuals, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under sub. (2m) (a) 2., be provided and that the federal employer identification numbers of all applicants for a license to operate a child welfare agency, group home, or shelter care facility ~~or day care center~~ who are not individuals be provided.

***-0404/4.42* SECTION 955.** 48.66 (2m) (a) 1. of the statutes is amended to read:

48.66 (2m) (a) 1. Except as provided in subd. 2., the department of health and family services shall require each applicant for a license under sub. (1) (a) to operate

1 a child welfare agency, group home, or shelter care facility ~~or day care center~~ who is
2 an individual to provide that department with the applicant's social security number,
3 and shall require each applicant for a license under sub. (1) (a) to operate a child
4 welfare agency, group home, or shelter care facility ~~or day care center~~ who is not an
5 individual to provide that department with the applicant's federal employer
6 identification number, when initially applying for or applying to continue the license.

7 ***-0404/4.43* SECTION 956.** 48.66 (2m) (b) of the statutes is amended to read:

8 48.66 (2m) (b) If an applicant who is an individual fails to provide the
9 applicant's social security number to the department of health and family services
10 or if an applicant who is not an individual fails to provide the applicant's federal
11 employer identification number to that department, that department may not issue
12 or continue a license under sub. (1) (a) to operate a child welfare agency, group home,
13 or shelter care facility ~~or day care center~~ to or for the applicant unless the applicant
14 is an individual who does not have a social security number and the applicant
15 submits a statement made or subscribed under oath or affirmation as required under
16 par. (a) 2.

17 ***-0404/4.44* SECTION 957.** 48.66 (5) of the statutes is amended to read:

18 48.66 (5) A child welfare agency, group home, ~~day care center~~ or shelter care
19 facility license, other than a probationary license, is valid until revoked or
20 suspended, but shall be reviewed every 2 years after the date of issuance as provided
21 in this subsection. At least 30 days prior to the continuation date of the license, the
22 licensee shall submit to the department an application for continuance of the license
23 in the form and containing the information that the department requires. If the
24 minimum requirements for a license established under s. 48.67 are met, the
25 application is approved, the applicable fees referred to in ss. 48.68 (1) and 48.685 (8)

1 are paid, and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is
2 due is paid, the department shall continue the license for an additional 2-year
3 period, unless sooner suspended or revoked. If the application is not timely filed, the
4 department shall issue a warning to the licensee. If the licensee fails to apply for
5 continuance of the license within 30 days after receipt of the warning, the
6 department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

7 *-0404/4.45* SECTION 958. 48.67 of the statutes is amended to read:

8 **48.67 Rules governing child welfare agencies, day care centers, foster**
9 **homes, treatment foster homes, group homes, shelter care facilities, and**
10 **county departments.** The department shall promulgate rules establishing
11 minimum requirements for the issuance of licenses to, and establishing standards
12 for the operation of, child welfare agencies, day care centers, foster homes, treatment
13 foster homes, group homes, shelter care facilities, and county departments. These
14 rules shall be designed to protect and promote the health, safety, and welfare of the
15 children in the care of all licensees. The department shall consult with the
16 department of commerce and the department of public instruction before
17 promulgating these rules. ~~In establishing the minimum requirements for the~~
18 ~~issuance of licenses to day care centers that provide care and supervision for children~~
19 ~~under one year of age, the department shall include a requirement that all licensees~~
20 ~~who are individuals and all employees and volunteers of a licensee who provide care~~
21 ~~and supervision for children receive, before the date on which the license is issued~~
22 ~~or the employment or volunteer work commences, whichever is applicable, training~~
23 ~~in the most current medically accepted methods of preventing sudden infant death~~
24 ~~syndrome.~~

25 *-0404/4.46* SECTION 959. 48.68 (1) of the statutes is amended to read:

1 48.68 (1) After receipt of an application for a license, the department shall
2 investigate to determine if the applicant meets the minimum requirements for a
3 license adopted by the department under s. 48.67 and meets the requirements
4 specified in s. 48.685, if applicable. In determining whether to issue or continue a
5 license, the department may consider any action by the applicant, or by an employee
6 of the applicant, that constitutes a substantial failure by the applicant or employee
7 to protect and promote the health, safety, and welfare of a child. Upon satisfactory
8 completion of this investigation and payment of the fee required under s. 48.615 (1)
9 (a) or (b), 48.625 (2) (a), ~~48.65 (3) (a)~~ or 938.22 (7) (b), the department shall issue a
10 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
11 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial
12 licensure and license renewal, the department shall provide a foster home licensee
13 with written information relating to the age-related monthly foster care rates and
14 supplemental payments specified in s. 48.62 (4), including payment amounts,
15 eligibility requirements for supplemental payments and the procedures for applying
16 for supplemental payments.

17 *~~0404/4.47~~* **SECTION 960.** 48.685 (1) (b) of the statutes is amended to read:
18 48.685 (1) (b) “Entity” means a child welfare agency that is licensed under s.
19 48.60 to provide care and maintenance for children, to place children for adoption,
20 or to license foster homes or treatment foster homes; a foster home or treatment
21 foster home that is licensed under s. 48.62; a group home that is licensed under s.
22 48.625; a shelter care facility that is licensed under s. 938.22; a day care center that
23 is licensed under s. 48.65 49.98 or established or contracted for under s. 120.13 (14);
24 a day care provider that is certified under s. ~~48.651~~ 49.156; or a temporary
25 employment agency that provides caregivers to another entity.

1 ***-0404/4.48* SECTION 961.** 48.685 (2) (am) (intro.) of the statutes is amended
2 to read:

3 48.685 (2) (am) (intro.) The department of health and family services, the
4 department of workforce development, a county department, a child welfare agency,
5 or a school board shall obtain all of the following with respect to a caregiver specified
6 in sub. (1) (ag) 1. b., a nonclient resident of an entity, and a person under 18 years
7 of age, but not under 12 years of age, who is a caregiver of a day care center that is
8 licensed under s. ~~48.65~~ 49.98 or established or contracted for under s. 120.13 (14) or
9 of a day care provider that is certified under s. ~~48.651~~ 49.156:

10 ***-0404/4.49* SECTION 962.** 48.685 (2) (am) 5. of the statutes is amended to
11 read:

12 48.685 (2) (am) 5. Information maintained by the department under this
13 section and under ss. ~~48.651 (2m)~~, 48.75 (1m), 49.156 (2m), 49.988 (1), and 120.13
14 (14) regarding any denial to the person of a license, continuation or renewal of a
15 license, certification, or a contract to operate an entity for a reason specified in sub.
16 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
17 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
18 5. If the information obtained under this subdivision indicates that the person has
19 been denied a license, continuation or renewal of a license, certification, a contract,
20 employment, or permission to reside as described in this subdivision, the department
21 of health and family services, the department of workforce development, a county
22 department, a child welfare agency, or a school board need not obtain the information
23 specified in subds. 1. to 4.

24 ***-0404/4.50* SECTION 963.** 48.685 (2) (b) 1. e. of the statutes is amended to
25 read:

1 48.685 (2) (b) 1. e. Information maintained by the department under this
2 section and under ss. ~~48.651 (2m)~~, 48.75 (1m), 49.156 (2m), 49.988 (1), and 120.13
3 (14) regarding any denial to the person of a license, continuation or renewal of a
4 license, certification, or a contract to operate an entity for a reason specified in sub.
5 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
6 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
7 5. If the information obtained under this subd. 1. e. indicates that the person has
8 been denied a license, continuation or renewal of a license, certification, a contract,
9 employment, or permission to reside as described in this subd. 1. e., the entity need
10 not obtain the information specified in subd. 1. a. to d.

11 ***-0404/4.51*** SECTION 964. 48.685 (2) (b) 4. of the statutes is amended to read:

12 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under
13 18 years of age, but not under 12 years of age, who is a caregiver or nonclient resident
14 of a day care center that is licensed under s. ~~48.65~~ 49.98 or established or contracted
15 for under s. 120.13 (14) or of a day care provider that is certified under s. ~~48.651~~
16 49.156 and with respect to whom the department of workforce development, a county
17 department, or a school board is required under par. (am) (intro.) to obtain the
18 information specified in par. (am) 1. to 5.

19 ***-0404/4.52*** SECTION 965. 48.685 (2) (bb) of the statutes is amended to read:

20 48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a
21 charge of a serious crime, but does not completely and clearly indicate the final
22 disposition of the charge, the department of health and family services, department
23 of workforce development, county department, child welfare agency, school board, or
24 entity shall make every reasonable effort to contact the clerk of courts to determine
25 the final disposition of the charge. If a background information form under sub. (6)

1 (a) or (am) indicates a charge or a conviction of a serious crime, but information
2 obtained under par. (am) or (b) 1. does not indicate such a charge or conviction, the
3 department of health and family services, department of workforce development,
4 county department, child welfare agency, school board, or entity shall make every
5 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
6 complaint and the final disposition of the complaint. If information obtained under
7 par. (am) or (b) 1., a background information form under sub. (6) (a) or (am), or any
8 other information indicates a conviction of a violation of s. 940.19 (1), 940.195,
9 940.20, 941.30, 942.08, 947.01, or 947.013 obtained not more than 5 years before the
10 date on which that information was obtained, the department of health and family
11 services, department of workforce development, county department, child welfare
12 agency, school board, or entity shall make every reasonable effort to contact the clerk
13 of courts to obtain a copy of the criminal complaint and judgment of conviction
14 relating to that violation.

15 *–0404/4.53* SECTION 966. 48.685 (2) (bd) of the statutes is amended to read:

16 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department of health
17 and family services, the department of workforce development, a county department,
18 a child welfare agency, or a school board is not required to obtain the information
19 specified in par. (am) 1. to 5., and an entity is not required to obtain the information
20 specified in par. (b) 1. a. to e., with respect to a person under 18 years of age whose
21 background information form under sub. (6) (am) indicates that the person is not
22 ineligible to be employed, contracted with, or permitted to reside at an entity for a
23 reason specified in sub. (4m) (b) 1. to 5. and with respect to whom the department of
24 health and family services, department of workforce development, county
25 department, child welfare agency, school board, or entity otherwise has no reason to

1 believe that the person is ineligible to be employed, contracted with, or permitted to
2 reside at an entity for any of those reasons. This paragraph does not preclude the
3 department of health and family services, the department of workforce development,
4 a county department, a child welfare agency, or a school board from obtaining, at its
5 discretion, the information specified in par. (am) 1. to 5. with respect to a person
6 described in this paragraph who is a nonclient resident or a prospective nonclient
7 resident of an entity.

8 *~~0404/4.54~~* **SECTION 967.** 48.685 (2) (bm) of the statutes is amended to read:

9 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
10 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding
11 the date of the search that person has not been a resident of this state, or if the
12 department of health and family services, department of workforce development,
13 county department, child welfare agency, school board, or entity determines that the
14 person's employment, licensing, or state court records provide a reasonable basis for
15 further investigation, the department of health and family services, department of
16 workforce development, county department, child welfare agency, school board, or
17 entity shall make a good faith effort to obtain from any state or other United States
18 jurisdiction in which the person is a resident or was a resident within the 3 years
19 preceding the date of the search information that is equivalent to the information
20 specified in par. (am) 1. or (b) 1. a. The department of health and family services,
21 department of workforce development, county department, child welfare agency,
22 school board, or entity may require the person to be fingerprinted on 2 fingerprint
23 cards, each bearing a complete set of the person's fingerprints. The department of
24 justice may provide for the submission of the fingerprint cards to the federal bureau

1 of investigation for the purposes of verifying the identity of the person fingerprinted
2 and obtaining records of his or her criminal arrests and convictions.

3 ***-0404/4.55* SECTION 968.** 48.685 (3) (a) of the statutes is amended to read:

4 48.685 (3) (a) Every 4 years or at any time within that period that the
5 department of health and family services, the department of workforce development,
6 a county department, a child welfare agency, or a school board considers appropriate,
7 the department of health and family services, department of workforce development,
8 county department, child welfare agency, or school board shall request the
9 information specified in sub. (2) (am) 1. to 5. for all persons who are licensed,
10 certified, or contracted to operate an entity, for all persons who are nonclient
11 residents of an entity, and for all persons under 18 years of age, but not under 12
12 years of age, who are caregivers of a day care center that is licensed under s. 48.65
13 49.98 or established or contracted for under s. 120.13 (4) or of a day care provider that
14 is certified under s. 48.651 49.156.

15 ***-0404/4.56* SECTION 969.** 48.685 (3) (b) of the statutes is amended to read:

16 48.685 (3) (b) Every 4 years or at any time within that period that an entity
17 considers appropriate, the entity shall request the information specified in sub. (2)
18 (b) 1. a. to e. for all persons who are caregivers of the entity other than persons under
19 18 years of age, but not under 12 years of age, who are caregivers of a day care center
20 that is licensed under s. 48.65 49.98 or established or contracted for under s. 120.13
21 (14) or of a day care provider that is certified under s. 48.651 49.156.

22 ***-0404/4.57* SECTION 970.** 48.685 (3m) of the statutes is amended to read:

23 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department of
24 health and family services, the department of workforce development, a county
25 department, a child welfare agency, or a school board has obtained the information

1 required under sub. (2) (am) or (3) (a) with respect to a person who is a caregiver
2 specified in sub. (1) (ag) 1. b. and that person is also an employee, contractor, or
3 nonclient resident of an entity, the entity is not required to obtain the information
4 specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

5 ***-0404/4.58* SECTION 971.** 48.685 (4m) (a) (intro.) of the statutes is amended
6 to read:

7 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
8 par. (ad) and sub. (5), the department of health and family services may not license,
9 or continue or renew the license of, a person to operate an entity, the department of
10 workforce development may not license, or continue the license of, a person to
11 operate a day care center, a county department may not certify a day care provider
12 under s. ~~48.651~~ 49.156, a county department or a child welfare agency may not
13 license, or renew the license of, a foster home or treatment foster home under s. 48.62,
14 and a school board may not contract with a person under s. 120.13 (14), if the
15 department of health and family services, department of workforce development,
16 county department, child welfare agency, or school board knows or should have
17 known any of the following:

18 ***-0404/4.59* SECTION 972.** 48.685 (4m) (a) 1. of the statutes is amended to
19 read:

20 48.685 (4m) (a) 1. That the person has been convicted of a serious crime or, if
21 the person is an applicant for issuance or continuation of a license to operate a day
22 care center or for initial certification under s. ~~48.651~~ 49.156 or for renewal of that
23 certification or if the person is proposing to contract with a school board under s.
24 120.13 (14) or to renew a contract under that subsection, that the person has been

1 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
2 birthday for committing a serious crime.

3 *~~0404/4.60~~* SECTION 973. 48.685 (4m) (ad) of the statutes is amended to read:

4 48.685 (4m) (ad) The department of health and family services, a county
5 department, or a child welfare agency may license a foster home or treatment foster
6 home under s. 48.62, the department of workforce development may license a day
7 care center under s. 49.98, a county department may certify a day care provider
8 under s. ~~48.651~~ 49.156, and a school board may contract with a person under s.
9 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am)
10 indicating that the person is not ineligible to be licensed, certified, or contracted with
11 for a reason specified in par. (a) 1. to 5.

12 *~~0404/4.61~~* SECTION 974. 48.685 (4m) (b) 1. of the statutes is amended to
13 read:

14 48.685 (4m) (b) 1. That the person has been convicted of a serious crime or, if
15 the person is a caregiver or nonclient resident of a day care center that is licensed
16 under s. ~~48.65~~ 49.98 or established or contracted for under s. 120.13 (14) or of a day
17 care provider that is certified under s. ~~48.651~~ 49.156, that the person has been
18 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
19 birthday for committing a serious crime.

20 *~~0404/4.62~~* SECTION 975. 48.685 (5) (a) of the statutes is amended to read:

21 48.685 (5) (a) The department of health and family services may license to
22 operate an entity, the department of workforce development may license to operate
23 a day care center, a county department may certify under s. ~~48.651~~ 49.156, a county
24 department or a child welfare agency may license under s. 48.62, and a school board
25 may contract with under s. 120.13 (14) a person who otherwise may not be licensed,

1 certified, or contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an
2 entity may employ, contract with, or permit to reside at the entity a person who
3 otherwise may not be employed, contracted with, or permitted to reside at the entity
4 for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the
5 department of health and family services, the department of workforce development,
6 the county department, the child welfare agency, or the school board or, in the case
7 of an entity that is located within the boundaries of a reservation, to the person or
8 body designated by the tribe under sub. (5d) (a) 3., by clear and convincing evidence
9 and in accordance with procedures established by the department by rule or by the
10 tribe that he or she has been rehabilitated.

11 ***-0404/4.63* SECTION 976.** 48.685 (5c) (a) of the statutes is amended to read:

12 48.685 (5c) (a) Any person who is permitted but fails under sub. (5) (a) to
13 demonstrate to the department of health and family services or a child welfare
14 agency that he or she has been rehabilitated may appeal to the secretary of health
15 and family services or his or her designee. Any person who is adversely affected by
16 a decision of the secretary or his or her designee under this paragraph has a right
17 to a contested case hearing under ch. 227.

18 ***-0404/4.64* SECTION 977.** 48.685 (5c) (am) of the statutes is created to read:

19 48.685 (5c) (am) Any person who is permitted but fails under sub. (5) (a) to
20 demonstrate to the department of workforce development that he or she has been
21 rehabilitated may appeal to the secretary of workforce development or his or her
22 designee. Any person who is adversely affected by a decision of the secretary or his
23 or her designee under this paragraph has a right to a contested case hearing under
24 ch. 227.

25 ***-0404/4.65* SECTION 978.** 48.685 (5m) of the statutes is amended to read:

1 48.685 (5m) Notwithstanding s. 111.335, the department of health and family
2 services may refuse to license a person to operate an entity, a county department or
3 a child welfare agency may refuse to license a foster home or treatment foster home
4 under s. 48.62, and an entity may refuse to employ or contract with a caregiver or
5 permit a nonclient resident to reside at the entity if the person has been convicted
6 of an offense that is not a serious crime, but that is, in the estimation of the
7 department of health and family services, county department, child welfare agency,
8 or entity, substantially related to the care of a client. Notwithstanding s. 111.335,
9 the department of workforce development may refuse to license a person to operate
10 a day care center, a county department may refuse to certify a day care provider
11 under s. ~~48.651~~ 49.156, a school board may refuse to contract with a person under
12 s. 120.13 (14), a day care center that is licensed under s. ~~48.65~~ 49.98 or established
13 or contracted for under s. 120.13 (14) and a day care provider that is certified under
14 s. ~~48.651~~ 49.156 may refuse to employ or contract with a caregiver or permit a
15 nonclient resident to reside at the day care center or day care provider if the person
16 has been convicted of or adjudicated delinquent on or after his or her 12th birthday
17 for an offense that is not a serious crime, but that is, in the estimation of the
18 department of workforce development, county department, school board, day care
19 center, or day care provider, substantially related to the care of a client.

20 *~~0404/4.66~~* SECTION 979. 48.685 (6) (a) of the statutes is amended to read:

21 48.685 (6) (a) The department of health and family services shall require any
22 person who applies for issuance, continuation, or renewal of a license to operate an
23 entity, the department of workforce development shall require any person who
24 applies for issuance or continuation of a license to operate a day care center, a county
25 department shall require any day care provider who applies for initial certification

1 under s. ~~48.651~~ 49.156 or for renewal of that certification, a county department or
2 a child welfare agency shall require any person who applies for issuance or renewal
3 of a license to operate a foster home or treatment foster home under s. 48.62, and a
4 school board shall require any person who proposes to contract with the school board
5 under s. 120.13 (14) or to renew a contract under that subsection, to complete a
6 background information form that is provided by the department.

7 ***-0404/4.67* SECTION 980.** 48.685 (6) (b) 1. of the statutes is amended to read:

8 48.685 (6) (b) 1. For caregivers who are licensed by the department, ~~for persons~~
9 ~~under 18 years of age, but not under 12 years of age, who are caregivers of a day care~~
10 ~~center that is licensed under s. 48.65 or established or contracted for under s. 120.13~~
11 ~~(14) or of a day care provider that is certified under s. 48.651~~ of health and family
12 services, for persons who are nonclient residents of an entity that is licensed by the
13 department of health and family services, and for other persons specified by the
14 department of health and family services by rule, the entity shall send the
15 background information form to the department of health and family services.

16 ***-0404/4.68* SECTION 981.** 48.685 (6) (b) 1m. of the statutes is created to read:

17 48.685 (6) (b) 1m. For caregivers who are licensed by the department of
18 workforce development, for persons under 18 years of age, but not under 12 years of
19 age, who are caregivers of a day care center that is licensed under s. 49.98 or
20 established or contracted for under s. 120.13 (14) or of a day care provider that is
21 certified under s. 49.156, for persons who are nonclient residents of an entity that is
22 licensed by the department of workforce development, and for other persons
23 specified by the department of workforce development by rule, the entity shall send
24 the background information form to the department of workforce development.

25 ***-0404/4.69* SECTION 982.** 48.685 (8) of the statutes is amended to read:

1 48.685 (8) The department of health and family services, the department of
2 workforce development, a county department, a child welfare agency, or a school
3 board may charge a fee for obtaining the information required under sub. (2) (am)
4 or (3) (a) or for providing information to an entity to enable the entity to comply with
5 sub. (2) (b) 1. or (3) (b). The fee may not exceed the reasonable cost of obtaining the
6 information. No fee may be charged to a nurse's assistant, as defined in s. 146.40 (1)
7 (d), for obtaining or maintaining information if to do so would be inconsistent with
8 federal law.

9 *-0404/4.70* SECTION 983. 48.69 of the statutes is amended to read:

10 **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),
11 if any child welfare agency, shelter care facility, or group home ~~or day-care center~~ that
12 has not been previously issued a license under s. 48.66 (1) (a) applies for a license,
13 meets the minimum requirements for a license established under s. 48.67, and pays
14 the applicable fee referred to in s. 48.68 (1), the department shall issue a
15 probationary license to that child welfare agency, shelter care facility, or group home
16 ~~or day-care center~~. A probationary license is valid for up to 6 months after the date
17 of issuance unless renewed under this section or suspended or revoked under s.
18 48.715. Before a probationary license expires, the department shall inspect the child
19 welfare agency, shelter care facility, or group home ~~or day-care center~~ holding the
20 probationary license and, except as provided under s. 48.715 (6) and (7), if the child
21 welfare agency, shelter care facility, or group home ~~or day-care center~~ meets the
22 minimum requirements for a license established under s. 48.67, the department
23 shall issue a license under s. 48.66 (1) (a). A probationary license issued under this
24 section may be renewed for one 6-month period.

25 *-0404/4.71* SECTION 984. 48.715 (1) of the statutes is amended to read:

1 48.715 (1) In this section, “licensee” means a person who holds a license under
2 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare
3 agency, shelter care facility, or group home ~~or day care center~~.

4 *~~0404/4.72~~* SECTION 985. 48.715 (2) (a) of the statutes is amended to read:

5 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
6 facility, or group home ~~or day care center~~ if the child welfare agency, shelter care
7 facility, or group home ~~or day care center~~ is without a license in violation of s. 48.66
8 (1) (a) or a probationary license in violation of s. 48.69.

9 *~~0404/4.73~~* SECTION 986. 48.715 (4) (c) of the statutes is amended to read:

10 48.715 (4) (c) The licensee or a person under the supervision of the licensee has
11 committed an action or has created a condition relating to the operation or
12 maintenance of the child welfare agency, shelter care facility, or group home ~~or day~~
13 ~~care center~~ that directly threatens the health, safety, or welfare of any child under
14 the care of the licensee.

15 *~~0404/4.74~~* SECTION 987. 48.715 (6) of the statutes is amended to read:

16 48.715 (6) The department of health and family services shall deny, suspend,
17 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
18 probationary license under s. 48.69 to operate a child welfare agency, group home,
19 or shelter care facility ~~or day care center~~, and the department of corrections shall
20 deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s.
21 48.66 (1) (b) to operate a secured child caring institution, for failure of the applicant
22 or licensee to pay court-ordered payments of child or family support, maintenance,
23 birth expenses, medical expenses, or other expenses related to the support of a child
24 or former spouse or for failure of the applicant or licensee to comply, after appropriate
25 notice, with a subpoena or warrant issued by the department of workforce

1 development or a county child support agency under s. 59.53 (5) and related to
2 paternity or child support proceedings, as provided in a memorandum of
3 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action
4 taken under this subsection is subject to review only as provided in the memorandum
5 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

6 ***-0404/4.75* SECTION 988.** 48.715 (7) of the statutes is amended to read:

7 48.715 (7) The department of health and family services shall deny an
8 application for the issuance or continuation of a license under s. 48.66 (1) (a) or a
9 probationary license under s. 48.69 to operate a child welfare agency, group home,
10 or shelter care facility or day care center, or revoke such a license already issued, if
11 the department of revenue certifies under s. 73.0301 that the applicant or licensee
12 is liable for delinquent taxes. An action taken under this subsection is subject to
13 review only as provided under s. 73.0301 (5) and not as provided in s. 48.72.

14 ***-0404/4.76* SECTION 989.** 48.73 of the statutes is amended to read:

15 **48.73 Inspection of licensees.** The department may visit and inspect each
16 child welfare agency, foster home, treatment foster home, and group home and day
17 care center licensed by it the department, and for such purpose shall be given
18 unrestricted access to the premises described in the license.

19 ***-0404/4.77* SECTION 990.** 48.735 of the statutes is renumbered 49.998 (1) and
20 amended to read:

21 49.998 (1) ~~Immunization requirements; day care centers.~~ The If the
22 department of health and family services finds that there has been a substantial
23 failure by a day care center to comply with the requirements of s. 252.04, that
24 department shall notify the department of workforce development, and the
25 department of workforce development, after notice to ~~a~~ the day care center licensee,

1 may suspend, revoke, or refuse to continue ~~a~~ the licensee's day care center license
2 ~~in any case in which the department finds that there has been a substantial failure~~
3 ~~to comply with the requirements of s. 252.04.~~

4 *~~0404/4.78~~* SECTION 991. 48.737 of the statutes is renumbered 49.998 (2) and
5 amended to read:

6 49.998 (2) ~~Lead screening, inspection and reduction requirements; day~~
7 ~~care centers.~~ The If the department of health and family services finds that there
8 has been a substantial failure by a day care center that holds a license under s. 49.98
9 or a probationary license under s. 49.99 or by a day care provider certified under s.
10 49.156 to comply with any rule promulgated under s. 254.162, 254.168, or 254.172,
11 that department shall notify the department of workforce development, and the
12 department of workforce development, after notice to a day care provider certified
13 under s. 48.651, or a the day care center that holds a license under s. 48.65 or a
14 probationary license under s. 48.69 or day care provider, may suspend, revoke, or
15 refuse to renew or continue ~~a~~ the license or certification in any case in which the
16 department finds that there has been a substantial failure to comply with any rule
17 promulgated under s. 254.162, 254.168 or 254.172 of the day care center or day care
18 provider.

19 *~~0404/4.79~~* SECTION 992. 48.74 of the statutes is amended to read:

20 48.74 Authority of department to investigate alleged violations.

21 Whenever the department is advised or has reason to believe that any person is
22 violating any of the provisions of ss. s. 48.60, 48.62, or 48.625 ~~or 48.65~~, it, the
23 department shall make an investigation to determine the facts. For the purposes of
24 this investigation, it the department shall have authority to inspect the premises
25 where the violation is alleged to occur. ~~If it~~ the department finds that the person is

1 violating any of the ~~specified~~ those sections, ~~it~~ the department may either issue a
2 license if the person is qualified or may institute a prosecution under s. 48.76.

3 ***-0404/4.80* SECTION 993.** 48.76 of the statutes is amended to read:

4 **48.76 Penalties.** In addition to the sanctions and penalties provided in s.
5 48.715, any person who violates s. 48.60, 48.62, 48.625, or 48.63 ~~or~~ 48.65 may be fined
6 not more than \$500 or imprisoned for not more than one year in county jail or both.

7 ***-0404/4.81* SECTION 994.** 48.77 of the statutes is amended to read:

8 **48.77 Injunction against violations.** In addition to the penalties provided
9 in s. 48.76, the circuit courts shall have jurisdiction to prevent and restrain by
10 injunction violations of s. 48.60, 48.62, 48.625, or 48.63 ~~or~~ 48.65. It shall be the duty
11 of the district attorneys, upon request of the department, to institute action for such
12 injunction under ch. 813.

13 ***-0296/2.1* SECTION 995.** 48.78 (2) (h) of the statutes is created to read:

14 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county
15 department, or a licensed child welfare agency from entering the content of any
16 record kept or information received about an individual in its care or legal custody
17 into the statewide automated child welfare information system established under s.
18 46.03 (7) (g). Paragraph (a) also does not prohibit a county department under s.
19 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services,
20 the department of corrections, or any other organization that has entered into an
21 information sharing and access agreement with one of those county departments or
22 departments and that has been approved for access to the statewide automated child
23 welfare information system by the department of health and family services from
24 having access to information concerning a client of that county department,
25 department, or organization under this chapter or ch. 51 or 938 that is maintained

1 in the statewide automated child welfare information system, if necessary to enable
2 the county department, department, or organization to perform its duties under this
3 chapter or ch. 51 or 938 or to coordinate the delivery of services under this chapter
4 or ch. 51 or 938 to the client. Before entering any information about an individual
5 into the statewide automated child welfare information system, the department,
6 county department, or licensed child welfare agency entering the information shall
7 notify the individual that the information entered may be disclosed as provided in
8 this paragraph.

9 *–0084/3.36* SECTION 996. 48.975 (3) (a) 1. of the statutes is amended to read:

10 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
11 in foster care or, treatment foster care, or subsidized guardianship care immediately
12 prior to placement for adoption, the initial amount of adoption assistance for
13 maintenance shall be equivalent to the amount of that child's foster care or,
14 treatment foster care, or subsidized guardianship care payment at the time that the
15 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed
16 adoptive parents and specified in that agreement.

17 *–0084/3.37* SECTION 997. 48.975 (3) (a) 2. of the statutes is amended to read:

18 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
19 care or, treatment foster care, or subsidized guardianship care immediately prior to
20 placement for adoption, the initial amount of adoption assistance for maintenance
21 shall be equivalent to the uniform foster care rate in effect at the time that the
22 agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed
23 adoptive parents and specified in that agreement.

24 *–0084/3.38* SECTION 998. 48.975 (4) (a) of the statutes is amended to read:

1 48.975 (4) (a) Except in extenuating circumstances, as defined by the
2 department by rule promulgated under sub. (5) (a), a written agreement to provide
3 adoption assistance shall be made prior to adoption. An agreement to provide
4 adoption assistance may be made only for a child who, at the time of placement for
5 adoption, is in the guardianship of the department or other agency authorized to
6 place children for adoption ~~or~~, in the guardianship of an American Indian tribal
7 agency in this state, or in a subsidized guardianship under s. 48.62 (5).

8 ***-0265/3.7* SECTION 999.** 48.975 (4m) of the statutes is created to read:

9 48.975 (4m) RECOVERY OF INCORRECT PAYMENTS. The department may recover
10 an overpayment of adoption assistance from an adoptive parent who continues to
11 receive adoption assistance for maintenance by reducing the amount of the adoptive
12 parent's monthly payment of adoption assistance for maintenance. The department
13 may by rule specify other methods for recovering overpayments of adoption
14 assistance.

15 ***-0084/3.39* SECTION 1000.** 48.977 (title) of the statutes is amended to read:

16 48.977 (title) **Appointment of relatives as guardians for certain**
17 **children in need of protection or services.**

18 ***-0084/3.40* SECTION 1001.** 48.977 (1) of the statutes is repealed.

19 ***-0084/3.41* SECTION 1002.** 48.977 (2) (intro.) of the statutes is amended to
20 read:

21 48.977 (2) TYPE OF GUARDIANSHIP. (intro.) This section may be used for the
22 appointment of a ~~relative of a child as a~~ guardian of the person for ~~the~~ a child if the
23 court finds all of the following:

24 ***-0084/3.42* SECTION 1003.** 48.977 (2) (a) of the statutes is amended to read:

1 48.977 (2) (a) That the child has been adjudged to be in need of protection or
2 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or
3 938.13 (4) and been placed, or continued in a placement, outside of his or her home
4 pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,
5 938.345, 938.357, 938.363, or 938.365 ~~for a cumulative total period of one year or~~
6 longer or that the child has been so adjudged and placement of the child in the home
7 of a guardian under this section has been recommended under s. 48.33 (1) or 938.33
8 (1).

9 *-0084/3.43* SECTION 1004. 48.977 (2) (b) of the statutes is amended to read:

10 48.977 (2) (b) That the person nominated as the guardian of the child is a
11 ~~relative of the child~~ person with whom the child has been placed or in whose home
12 placement of the child is recommended under par. (a) and that it is likely that the
13 child will continue to be placed with that ~~relative~~ person for an extended period of
14 time or until the child attains the age of 18 years.

15 *-0084/3.44* SECTION 1005. 48.977 (2) (c) of the statutes is amended to read:

16 48.977 (2) (c) That, if appointed, it is likely that the ~~relative~~ person would be
17 willing and able to serve as the child's guardian for an extended period of time or until
18 the child attains the age of 18 years.

19 *-0084/3.45* SECTION 1006. 48.977 (2) (f) of the statutes is amended to read:

20 48.977 (2) (f) That the agency primarily responsible for providing services to
21 the child under a court order has made reasonable efforts to make it possible for the
22 child to return to his or her home, while assuring that the child's health and safety
23 are the paramount concerns, but that reunification of the child with the child's
24 parent or parents is unlikely or contrary to the best interests of the child and that
25 further reunification efforts are unlikely to be made or are contrary to the best

1 interests of the child or that the agency primarily responsible for providing services
2 to the child under a court order has made reasonable efforts to prevent the removal
3 of the child from his or her home, while assuring the child's health and safety, but that
4 continued placement of the child in the home would be contrary to the welfare of the
5 child, except that the court is not required to find that the agency has made those
6 reasonable efforts with respect to a parent of the child if any of the circumstances
7 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the
8 findings specified in this paragraph on a case-by-case basis based on circumstances
9 specific to the child and shall document or reference the specific information on
10 which those findings are based in the guardianship order. A guardianship order that
11 merely references this paragraph without documenting or referencing that specific
12 information in the order or an amended guardianship order that retroactively
13 corrects an earlier guardianship order that does not comply with this paragraph is
14 not sufficient to comply with this paragraph.

15 ***-0084/3.46*** SECTION 1007. 48.977 (3r) of the statutes is created to read:

16 48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subject to s. 48.62 (5) (d), if a county
17 department or, in a county having a population of 500,000 or more, the department
18 has determined under s. 48.62 (5) (a) 2. that appointing a guardian under sub. (2) for
19 a child who does not meet the conditions specified under s. 48.62 (5) (a) 1. and
20 providing monthly subsidized guardianship payments to the guardian are in the best
21 interests of the child, the petitioner under sub. (4) (a) shall include in the petition
22 under sub. (4) (b) a statement of that determination and a request for the court to
23 include in the court's findings under sub. (4) (d) a finding confirming that
24 determination. If the court confirms that determination and appoints a guardian for

1 the child under sub. (2), the county department or department shall provide monthly
2 subsidized guardianship payments to the guardian under s. 48.62 (5).

3 ***-0084/3.47* SECTION 1008.** 48.977 (4) (a) 4. of the statutes is amended to read:

4 48.977 (4) (a) 4. The relative person with whom the child is placed or in whose
5 home placement of the child is recommended as described in sub. (2) (a), if the
6 relative person is nominated as the guardian of the child in the petition.

7 ***-0084/3.48* SECTION 1009.** 48.977 (4) (a) 6. of the statutes is amended to read:

8 48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has
9 been placed pursuant to an order under ch. 938 or the child's placement with the
10 guardian is recommended under ch. 938, a county department under s. 46.215, 46.22,
11 or 46.23.

12 ***-0084/3.49* SECTION 1010.** 48.977 (4) (b) 3. of the statutes is amended to read:

13 48.977 (4) (b) 3. The date on which the child was adjudged in need of protection
14 or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m)
15 or 938.13 (4) and the dates that on which the child has been placed, or continued in
16 a placement, outside of his or her home pursuant to one or more court orders under
17 s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child
18 has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or
19 938.33 (1) in which placement of the child in the home of the person is recommended.

20 ***-0084/3.50* SECTION 1011.** 48.977 (4) (c) 1. g. of the statutes is amended to
21 read:

22 48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose
23 home placement of the child is recommended as described in sub. (2) (a), if the
24 relative person is nominated as the guardian of the child in the petition.

25 ***-0084/3.51* SECTION 1012.** 48.977 (4) (e) of the statutes is amended to read:

1 48.977 (4) (e) *Court report.* The For a child who has been placed, or continued
2 in a placement, outside of his or her home for 6 months or longer, the court shall order
3 the person or agency primarily responsible for providing services to the child under
4 a court order to file with the court a report containing the written summary under
5 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
6 as is reasonably ascertainable. For a child who has been placed, or continued in a
7 placement, outside of his or her home for less than 6 months, the court shall order
8 the person or agency primarily responsible for providing services to the child under
9 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
10 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,
11 and as much information relating to the appointment of a guardian as is reasonably
12 ascertainable. The agency shall file the report at least 48 hours before the date of
13 the dispositional hearing under par. (fm).

14 ***-0084/3.52* SECTION 1013.** 48.977 (4) (g) 1. of the statutes is amended to read:
15 48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of
16 the child.

17 ***-0084/3.53* SECTION 1014.** 48.977 (4) (g) 2. of the statutes is amended to read:
18 48.977 (4) (g) 2. The willingness and ability of the relative person to serve as
19 the child's guardian for an extended period of time or until the child attains the age
20 of 18 years.

21 ***-0084/3.54* SECTION 1015.** 48.977 (4) (h) 1. of the statutes is amended to read:
22 48.977 (4) (h) 1. A disposition dismissing the petition if the court determines
23 that appointment of the relative person as the child's guardian is not in the best
24 interests of the child.

25 ***-0084/3.55* SECTION 1016.** 48.977 (4) (h) 2. of the statutes is amended to read:

STOP HERE

1 48.977 (4) (e) *Court report.* The For a child who has been placed, or continued
2 in a placement, outside of his or her home for 6 months or longer, the court shall order
3 the person or agency primarily responsible for providing services to the child under
4 a court order to file with the court a report containing the written summary under
5 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
6 as is reasonably ascertainable. For a child who has been placed, or continued in a
7 placement, outside of his or her home for less than 6 months, the court shall order
8 the person or agency primarily responsible for providing services to the child under
9 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
10 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,
11 and as much information relating to the appointment of a guardian as is reasonably
12 ascertainable. The agency shall file the report at least 48 hours before the date of
13 the dispositional hearing under par. (fm).

14 *-0084/3.52* SECTION 1013. 48.977 (4) (g) 1. of the statutes is amended to read:

15 48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of
16 the child.

17 *-0084/3.53* SECTION 1014. 48.977 (4) (g) 2. of the statutes is amended to read:

18 48.977 (4) (g) 2. The willingness and ability of the relative person to serve as
19 the child's guardian for an extended period of time or until the child attains the age
20 of 18 years.

21 *-0084/3.54* SECTION 1015. 48.977 (4) (h) 1. of the statutes is amended to read:

22 48.977 (4) (h) 1. A disposition dismissing the petition if the court determines
23 that appointment of the relative person as the child's guardian is not in the best
24 interests of the child.

25 *-0084/3.55* SECTION 1016. 48.977 (4) (h) 2. of the statutes is amended to read:

START HERE

1 48.977 (4) (h) 2. A disposition ordering that the relative person with whom the
2 child has been placed or in whose home placement of the child is recommended as
3 described in sub. (2) (a) be appointed as the child's guardian under sub. (5) (a) or
4 limited guardian under sub. (5) (b), if the court determines that such an appointment
5 is in the best interests of the child.

6 ***-1625/3.2* SECTION 1017.** 48.982 (4) (a) of the statutes is amended to read:

7 48.982 (4) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (m),
8 and (q), the board shall award grants to organizations in accordance with the plan
9 developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are
10 awarded, no organization may receive a grant or grants totaling more than \$30,000.

11 ***-1625/3.3* SECTION 1018.** 48.982 (6) (a) of the statutes is amended to read:

12 48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (ma),
13 and (q), the board shall award grants to organizations in accordance with the
14 request-for-proposal procedures developed under sub. (2) (a). No organization may
15 receive a grant or grants under this subsection totaling more than \$150,000 in any
16 year.

17 ***-1625/3.4* SECTION 1019.** 48.982 (7) (a) of the statutes is amended to read:

18 48.982 (7) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), and
19 (q), the board shall award grants to organizations in accordance with the plan
20 developed under sub. (2) (a).

21 ***-0404/4.82* SECTION 1020.** 49.001 (1) of the statutes is amended to read:

22 49.001 (1) "Child care provider" means a child care provider that is licensed
23 under s. ~~48.65~~ 49.98 (1), certified under s. ~~48.651~~ 49.156, or established or contracted
24 for under s. 120.13 (14).

25 ***-1662/4.3* SECTION 1021.** 49.134 (2) (a) of the statutes is amended to read: